

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEPH ARTHUR RODRIGUEZ,

Plaintiff,

v.

M. S. EVANS, et al.,

Defendants.

No. C 05-5068 SBA (PR)

**ORDER GRANTING EXTENSION OF
TIME FOR PLAINTIFF TO FILE
OPPOSITION TO MOTION FOR
SUMMARY JUDGMENT**

Before the Court are Plaintiff's notices of a change of address, which will be construed as requests for an extension of time in which to file his opposition to Defendants' Motion for Summary Judgment. Plaintiff's opposition was due on March 27, 2009. In his first notice, filed on March 17, 2009, Plaintiff states that he was temporarily transferred to California State Prison - Solano to participate in a Court-ordered settlement conference before Magistrate Judge Nandor Vadas on March 9, 2009. The Court notes that according to the settlement report, Judge Vadas states that this case did not settle and that the parties "agree[d] to an additional follow up settlement to be held within 60 days of summary judgment ruling." (Mar. 25, 2009 Settlement Report at 2.) Upon notifying the Court that he had being transferred to California State Prison - Solano, Plaintiff also adds:

I would like to inform the Court . . . all this transfering [sic], is going to have an effect on my behalf to properly reple [sic] to summary judgment if filed by Defendants and is only going to make the issue [sic] more complex and difficult to research, so I pray the Court gives me enough time to answer back to summary judgment.

(Mar. 17, 2009 Notice of Change of Address at 2.) In his second notice, filed on March 26, 2009, Plaintiff states that he has returned to the California Correctional Institution; however, he now claims that he never received a copy of Defendants' Motion for Summary Judgment. (Mar. 26, 2009 Notice of Change of Address at 1.) He further claims that he is "still without legal material and property." (*Id.*) Plaintiff requests the Court to grant him an extension of time to file his opposition because he has not received a copy of Defendants' Motion for Summary Judgment and because he does not have access to the legal documents he needs to oppose summary judgment. (*Id.*) Having read and considered Plaintiff's requests, and good cause appearing,

1 IT IS HEREBY ORDERED that the Court GRANTS Plaintiff an extension of time to file his
2 opposition to Defendants' Motion for Summary Judgment. The Court directs Defendants to re-serve
3 Plaintiff with a copy of their Motion for Summary Judgment and all attachments thereto no later
4 than **seven (7) days** from the date of this Order. Defendants shall send the Court a notice showing
5 proof that they have done so within the seven-day deadline. Plaintiff may file his opposition no later
6 than **forty-five (45) days** from the date of this Order.

7 If Defendants wish to file a reply brief, they shall do so no later than **fifteen (15) days** after
8 the date Plaintiff's opposition is filed.

9 **No further extensions of time will be granted in this case absent exigent circumstances.**

10 This Order terminates Docket nos. 62 and 64.

11 IT IS SO ORDERED.

12 DATED:4/3/09

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14 SAUNDRA BROWN ARMSTRONG
15 UNITED STATES DISTRICT JUDGE
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1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 RODRIGUEZ,

5 Plaintiff,

6 v.

7 EVANS et al,

8 Defendant.

Case Number: CV05-05068 SBA

CERTIFICATE OF SERVICE

9 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
10 Court, Northern District of California.

11 That on April 6, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
14 in the Clerk's office.

15 Joseph Arthur Rodriguez K66400
16 California Correctional Institution
17 P.O. Box 1902
18 Tehachapi, CA 93581

19 Dated: April 6, 2009

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk